

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUSA: CAB

County: Spokane

5/11/22

SEAN F. McAVOY, CLERK

In re Affidavit in Support of Criminal Complaint as to Cristian BUSTOS

State of Washington)

ss

County of Spokane)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, TJ Wihera, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint seeking the arrest of Cristian BUSTOS for violating 18 U.S.C. §§ 922(g)(1), 924(a)(2), Felon in Possession of a Firearm.

2. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, & Explosives (“ATF”) and have been since December 2018. Prior to serving as a federal agent, I served as a police officer in the City of Colorado Springs, Colorado, for over four years with primary duties as a patrol officer. During my time as a law enforcement officer, I have participated in numerous investigations into violations of federal firearms laws.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the criminal complaint and does not set forth all of my knowledge about this matter.

INVESTIGATION

4. On May 11, 2022, law enforcement located Cristian BUSTOS (“BUSTOS”), who

had an active warrant for his arrest issued by the Washington Department of Corrections for violating terms of his release on a conviction for Robbery in the First Degree, at the Rock Creek Apartments in Spokane, Washington.

5. Law enforcement, to include myself, were wearing vests clearly marked identifying themselves as law enforcement officers. When BUSTOS observed law enforcement officers approaching him, he began to run. ATF Task Force Officer Curt Ledeboer and United States Special Deputy Marshal Pat Green saw a handgun fall from BUSTOS's waistband. Deputy United States Marshal ("DUSM") Jerome Brown saw a handgun falling from where officers were attempting to contact BUSTOS. DUSM Brown secured the handgun. Officers arrested BUSTOS, after a short foot chase, and recovered suspected methamphetamine and fentanyl pills from BUSTOS's person during a search incident to arrest.

6. ATF interstate nexus expert Special Agent Jared Tomaso has examined the firearm secured by DUSM Brown. The firearm is a Springfield model XDS 9mm pistol bearing serial number S4904402. Based on his training and experience, SA Tomaso determined this firearm has travelled in or affected interstate or foreign commerce.

7. BUSTOS's National Crime Information Center ("NCIC") criminal history report indicates BUSTOS was convicted of Robbery in the First Degree in Grant County, Washington, on May 7, 2018 (Case number 17-1-00797-1). The NCIC report indicates BUSTOS was sentenced to 53 months in prison for this conviction. He is, thus, prohibited from possessing firearms or ammunition.

8. Based on the foregoing, I submit that there is probable cause to believe that on or about May 11, 2022, BUSTOS committed the offense of Felon in Possession of a Firearm, in

violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2).

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

Respectfully submitted,

Timothy Wihera
Special Agent, ATF

Sworn to telephonically and signed electronically on this 11th day of May, 2022.



A handwritten signature in blue ink, reading "James A. Goeke", is written over a horizontal line.

James A. Goeke
United States Magistrate Judge